

LANGUAGE FOR LETTERS

THE LETTERS BELOW MAY BE MODIFIED AS APPROPRIATE.

Warning letter to motor carrier for failing to register or file insurance**FIGURE 1**

This office has received information that (legal name of motor carrier) provided or arranged for the transportation of (commodity/passengers) in interstate or foreign commerce for compensation without having obtained authority from the Federal Motor Carrier Safety Administration (FMCSA).

Title 49, United States Code, Section 13901 provides that:

A person may provide transportation or service subject to jurisdiction under subchapter I or III of chapter 135 or be a broker for transportation subject to jurisdiction under subchapter I of that chapter, only if the person is registered under this chapter to provide the transportation or service.

Title 49, United States Code, Section 13906 provides that a motor carrier, broker, and freight forwarder must file with the Secretary of the U.S. Department of Transportation a bond, insurance policy, or other type of security; and that a registration remains in effect only as long as the registrant continues to satisfy the security requirements.

Our records show that (legal name of motor carrier) does not hold a registration certificate from this agency to perform regulated interstate transportation and does not have proof of a bond, insurance policy, or other type of security on file with FMCSA. As a result, these transportation activities violate the statutory requirements. Failure to comply with the registration and insurance requirements could subject your company to substantial civil penalties as well as court orders to compel compliance with applicable federal law (Title 49, United States Code, Sections 14702 and 14901).

You must cease all regulated interstate operations immediately and you may not resume them until you obtain the appropriate authority and file the necessary evidence of insurance with the FMCSA. This letter is a warning against continued violation of the registration and insurance requirements.

Enclosed are the necessary forms to apply for appropriate authority, together with instructions. Please acknowledge receipt of this letter in writing within 20 days of the date of this letter. Your response should include a statement of your understanding of

the matters referred to and should contain a specific statement as to corrective action being taken.

Cover letter to an informational packet that is sent in response to a complaint received by telephone

FIGURE 2

This is in response to your recent communication with this office. The Federal Motor Carrier Safety Administration attempts to assist individuals, it does not provide informal dispute resolution. As a result, individuals are in a better position to protect their interests by pursuing private legal action or third party arbitration. In order to be helpful, enclosed is information covering the issues presented in your complaint.

Under Section 14704 of Title 49, U.S. Code, a person is authorized to pursue private legal action to enforce an order of the Secretary of Transportation or the Surface Transportation Board and to recover damages caused by a carrier or broker operating in violation of Federal law. It also authorizes private legal action to enjoin equipment leasing and equipment loading/unloading violations. It also allows household goods shippers to bring either a civil action in Federal court or an administrative complaint before the U.S. Surface Transportation Board to recover tariff overcharges.

Under Section 14707 of Title 49, U.S. Code, a person injured by an unregistered and/or uninsured carrier or broker is authorized to file a civil action to enforce the registration and insurance provisions. That statute also provides for the recovery of attorney's fees and court costs.

Every carrier and broker is required to have an agent for service of process in each state in which operations are conducted. A process agent is a carrier or broker's representative upon whom court papers may be served in any proceeding brought against a carrier or broker. If you choose to bring a civil action, you may contact our office at 202-358-7000 for the name and address of the agent for service of process in your state for the subject carrier or broker.

Your complaint has been registered for statistical purposes and will be used to evaluate a future need to investigate the operations of the carrier or broker. Thank you for your information.

Cover letter to an informational packet that is sent in response to a written complaint

FIGURE 3

This is in response to your recent communication with this office. Although the Federal Motor Carrier Safety Administration attempts to assist individuals, it does not provide informal dispute resolution. As a result, individuals are in a better position to protect their interests by pursuing private legal action or third party arbitration. In order to be helpful, enclosed is information covering the issues presented in your complaint. By copy of this letter we are also requesting that the carrier/broker which is the subject of your communication respond directly to you about your concerns.

Under Section 14704 of Title 49, U.S. Code, a person is authorized to pursue private legal action to enforce an order of the Secretary of Transportation or the Surface Transportation Board and to recover damages caused by a carrier or broker operating in violation of federal law. It also authorizes private legal action to enjoin violations of statutes governing equipment leasing and the loading/unloading of equipment (lumper violations); it makes a carrier liable to a person for rates and charges in excess of those contained in a tariff; it establishes procedures for pursuing these remedies.

Under Section 14707 of Title 49, U.S. Code, a person injured by an unregistered and/or uninsured carrier or broker is authorized to file a civil action to enforce the registration and insurance provisions. That statute also provides for the recovery of attorney's fees and court costs.

Every carrier and broker is required to have an agent for service of process in each state in which operations are conducted. A process agent is a carrier or broker's representative upon whom court papers may be served in any proceeding brought against a carrier or broker. If you choose to bring a civil action, you may contact our office at 202-358-7000 for the name and address of the agent for service of process in your state for the subject carrier or broker.

Your complaint has been registered for statistical purposes and will be used to evaluate a future need to investigate the operations of the carrier or broker. Thank you for your information.